

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEIGHBORHOOD ASSOCIATION)	CIVIL ACTION
OF THE BACK BAY, INC)	NO. 04cv11550-RCL
Plaintiff)	
)	
)	
FEDERAL TRANSIT)	
ADMINISTRATION and)	
MASSACHUSETTS BAY)	
TRANSPORTATION AUTHORITY)	
Defendants)	

MBTA’S MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM

In accordance with Local Rule 7.1(B)(3), the Massachusetts Bay Transportation Authority (“MBTA”) requests leave to file the attached Defendant MBTA’s Reply to Plaintiffs’ Opposition to the MBTA’s Cross-Motion for Summary Judgment and Surreply to Plaintiffs’ Reply to Defendants’ Opposition to Plaintiffs’ Motion for Summary Judgment. In support of this request, the MBTA states as follows:

1. In their Opposition to Defendants Cross Motions for Summary Judgment and Reply to Defendants’ Opposition to Plaintiffs’ Motion for Summary Judgment, plaintiffs make certain arguments that they did not make in their original Memorandum in Support of Plaintiffs’ Motion for Summary Judgment.

2. The MBTA believes that it would assist the court in resolving the issues presented by the existing motions to permit the MBTA to file a brief response to these new arguments.

3. The attached memorandum is 4 pages long and addresses only matters raised for the first time in plaintiffs' latest filing.

Respectfully submitted,

**MASSACHUSETTS BAY TRANSPORTATION
AUTHORITY**

By its attorneys,

/s/ Stephen M. Leonard
Stephen M. Leonard (BBO #294080)
BROWN RUDNICK BERLACK ISRAELS LLP
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Boston, MA 02111
(617) 856-8200

Dated: April 29, 2005

RULE 7.1 CERTIFICATION

In accordance with Local Rule 7.1, I hereby certify that I conferred with the Plaintiffs in advance of filing this Motion.

/s/ Stephen M. Leonard
Stephen M. Leonard (BBO #294080)
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